

The LICENSE Act

The Licensing Individual Commercial Exam-takers Now Safely and Efficiently (LICENSE) Act would make permanent two waivers issued by the Federal Motor Carrier Safety Administration (FMCSA) in response to the COVID-19 pandemic: the *Waiver for States Concerning Third Party CDL Skills Test Examiners In Response to the COVID-19 Emergency* (Nov. 29, 2021) and the *Three-Month Waiver in Response to the COVID-19 Emergency – For States and CLP Holders Operating Commercial Motor Vehicles* (Nov. 29, 2021).

The [*Waiver for States Concerning Third Party CDL Skills Test Examiners In Response to the COVID-19 Emergency*](#) allows third party commercial driver's license (CDL) skills test examiners previously authorized by the State to administer the CDL skills test to administer the CDL knowledge test as well, without completing a CDL knowledge test training course. This waiver allows States and State Driver Licensing Agencies (SDLAs) to use third-party CDL skills test examiners to administer CDL knowledge tests while SDLAs remain closed or operating at a diminished capacity due to the pandemic. According to FMCSA, "the continued availability of CDL knowledge testing will help maintain an adequate and sustained supply of trained CMV drivers to deliver essential supplies and persons across State lines to not only address the public health emergency, but also mitigate supply chain disruptions, support economic recovery from the effects of the emergency, and help prevent a possible shortage of CMV drivers." FMCSA issued similar waivers on April 9, 2020, June 22, 2020, Sept. 18, 2020, Dec. 15, 2020, Feb. 16, 2021, May 26, 2021, and Aug. 31, 2021, providing the same relief.

The [*Three-Month Waiver in Response to the COVID-19 Emergency – For States and CLP Holders Operating Commercial Motor Vehicles*](#) allows a State to administer a driving skills test to any out of state CDL applicant, regardless of where the applicant received driver training. This waiver provides more flexibility to applicants seeking to obtain their CDLs and will streamline the credentialing process for drivers navigating the highly mobile nature of the trucking industry.

The *Three-Month Waiver in Response to the COVID-19 Emergency – For States and CLP Holders Operating Commercial Motor Vehicles* also allows a commercial learner's permit (CLP) holder who already passed the CDL driving skills test to operate a CMV on public roads and highways with an accompanying CDL holder in the sleeper berth. Current regulations require CLP holders to be accompanied by a "licensed CDL holder" in the front seat of the cab. The waiver amends this regulation to allow the accompanying CDL holder the flexibility to move from the front seat of the cab to the sleeper berth. In many cases, CLP holders who have already completed Entry Level Driver Training and passed their road tests are unable to drive because they have not received a physical copy of their CDLs from SDLAs. The waiver simply allows CLP holders who are awaiting their CDLs—and who have otherwise completed all of the necessary training and testing to obtain a CDL—to be accompanied by a CDL holder anywhere in the cab. FMCSA issued similar waivers on March 28, 2020, June 17, 2020, Sept. 18, 2020, Dec. 15, 2020, Feb 16, 2021, and May 26, 2021, and Aug. 31, 2021 providing similar relief.

As is required by law, the Secretary of the Department of Transportation determined that both waivers were in the public interest and were likely to achieve levels of safety that are equivalent to, or greater than, the levels of safety that would be obtained in the absence of the waivers. Especially in the context of the current supply chain disruptions, this bill is a critical tool to remove some of the arcane regulatory barriers that make the CDL training and testing process so arduous.